

**DOCKET NO. D-2003-013 CP-6**

**DELAWARE RIVER BASIN COMMISSION**

**Ground Water Protected Area**

**Buckingham Township  
Groundwater Withdrawal  
Buckingham Township, Bucks County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted by Castle Valley Consultants on behalf of Buckingham Township to the Delaware River Basin Commission (DRBC or Commission) on December 18, 2012 (Application), for a renewal and approval of an allocation of groundwater and review of a groundwater withdrawal project in the Ground Water Protected Area of Southeastern Pennsylvania. The prior docket was approved by the Commission on May 6, 2009. The project well (Well No. CS-4) is in the process of being reviewed under the Pennsylvania Safe Drinking Water Act for public water supply permits by the Pennsylvania Department of Environmental Protection (PADEP) (Permit No. 0912534). Approval of the public water supply permit is expected shortly.

The application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 and for a withdrawal permit under Section 10.3 of the *Delaware River Basin Compact*. The Bucks County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on March 5, 2013.

**A. DESCRIPTION**

1. **Purpose.** The purpose of this project is to approve up to 8.928 million gallons per month (mgm) of groundwater to the docket holder's public water supply distribution system from new Well No. CS-4 and to retain the existing total allocation of 43.4 mgm. Buckingham Township is not requesting an increase in groundwater withdrawal allocation.

2. **Location.** New Well No. CS-4 is located in the Pine Run Watershed in Buckingham Township, Bucks County, Pennsylvania. The twenty-one (21) other project wells are located in the Neshaminy, Pine Run, Mill Creek, Lahaska Creek, Watson Creek, and Robin Run Watersheds. New Well CS-4 is located in the Stockton Formation. The other Buckingham

Township wells are located in the Stockton, Brunswick and Lockatong Formations, except for Well No. F-8 which is located in the Limeport Formation (limestone) and Well No. F-9 located in the Leithsville Formation (dolomite) as shown in the table below in Section A.4.b.

Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder's water distribution system serves portions of Buckingham Township as shown on a map entitled "Water Supply Production & Monitoring Well Locations" and "Furlong Water System", submitted with the Application.

4. **Physical features.**

a. **Design criteria.** Buckingham Township's water distribution system consists of six separate systems located throughout the township: the Buckingham Village, Cold Spring, Furlong, Fieldstone, Lahaska and Forest Grove systems (their wells are labeled BV, CS, F, FS, L and FG respectively). The wells that comprise those systems are owned by the docket holder except wells in the Lahaska system (Well Nos. L-1 and L-2), the Forest Grove System (Well Nos. FG-1 and FG-2) and wells in the Furlong system (Well Nos. F-1 through F-7). The wells in the Lahaska system are owned by the Peddlers Village Partnership. The Forest grove wells are owned by Toll Brothers. The Furlong wells are partly owned by Orleans Homebuilders, Inc. and partly by Toll Brothers. However, the docket holder has written agreements to operate the Furlong and Forest Groves wells. These contractual agreements grants the docket holder, at their discretion, the option for future ownership of Well Nos. F-1 through F-7 and FG-1 and FG-2 which may occur in 2013 or 2014.

Buckingham Township currently serves an estimated population of 8,362 through 3,125 service connections with an average and maximum water demand of 0.630 million gallons per day (mgd) (19.53 mgm) and 1.348 mgd (41.788 mgm), respectively. The docket holder projects an average and maximum water demand of 0.864 mgd (26.784 mgm) and 1.40 (43.4 mgm), respectively, with a population of 8,600 by the year 2023.

Buckingham Township is seeking approval for Well No. CS-4 to add flexibility, redundancy and to relieve stress on Well Nos. CS-1 through CS-3 and CS-5. Well No. CS-5 has not yet been activated.

b. **Facilities.** The docket holder's existing wells have the following characteristics:

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	FORMATION	YEAR DRILLED
BV-1	240'	141'8"	52 gpm	Stockton	1988
BV-2	240'	142'8"	52 gpm	Stockton	1988
CS-1	405'	75'8"	120 gpm	Stockton	1986
CS-2	555'	83'8"	400 gpm	Stockton	1989

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	FORMATION	YEAR DRILLED
CS-3	400'	116'/8"	210 gpm	Stockton	1981
CS-4	400'	98'/12"	200 gpm	Stockton	2001
CS-5	480'	21'/15" and 52'/10"	75 gpm	Stockton	2004
F-1	365'	60'/10"	175 gpm	Brunswick	1996
F-2	497'	42'/8"	83 gpm	Brunswick/Lockatong	1996
F-3	400'	82'/10"	75 gpm	Lockatong	1999
F-4	450'	40'/10"	104 gpm	Brunswick	2001
F-5	505'	60'/8"	50 gpm	Brunswick	2001
F-6	625'	50'/6"	30 gpm	Lockatong	2002
F-7	500'	50'/10"	50 gpm	Lockatong	2002
F-8	86'	40'/6"	200 gpm	Limeport	1988
F-9	120'	28'/6"	100 gpm	Leithsville	1988
FS-1	335'	30'/8"	85 gpm	Stockton	1981
FS-2	250'	30'/8"	85 gpm	Stockton	1981
L-1	250'	70'/8"	75 gpm	Stockton	1966
L-2	567'	140'/8"	55 gpm	Stockton	1996
FG-1	603'	103'/8"	70 gpm	Brunswick	2002
FG-2	603'	106'/8"	45 gpm	Brunswick	2005

All wells and all water service connections are metered.

Well water is treated by chlorination prior to entering the distribution system. Water from existing Well Nos. F-1, F-2, and F-3 are treated for manganese and iron. Water from Well Nos. BV-1, BV-2, FS-1, FS-2, L-1 and L-3 are also treated with caustic soda for pH adjustment.

Well Nos. F-8 and F-9 also have UV disinfection and a pre-filtration unit with a 5 micron filter cartridge followed by a second filtration unit with three to five filters in parallel utilizing 1 micron absolute filter cartridges.

The project facilities are above the 100-year flood elevation.

The Cold Spring water system currently has an emergency interconnection with the Fieldstone system. The DRBC has requested the feasibility of interconnecting with a surface water source or an adjacent municipal water distribution system.

System storage facilities have the following capacities:

LOCATION	CAPACITY (MG)
Cold Spring	0.815
Furlong	1.015
Buckingham Village	0.313
Lahaska	0.300
Forest Grove (proposed)	0.183
<b>TOTAL:</b>	<b>2.626</b>

c. **Other.** Wastewater from the Buckingham Village and Lahaska service areas is conveyed to the Buckingham Village sewage treatment facility which operates in series with the Furlong sewage treatment facility, discharging to the Furlong spray field approximately six months per year. This facility received approval most recently under Section 3.8 of the Compact by DRBC Docket No. D-98-49 CP on August 8, 1999. The PADEP issued its most recent NPDES Permit No. PA0052353 on December 16, 2010 for this treatment facility. Wastewater from the Furlong service area is conveyed to the Furlong sewage treatment facility which received approval most recently under Section 3.8 of the Compact by DRBC Docket No. D-2004-15 CP-2 on May, 11, 2011. The PADEP issued its most recent NPDES Permits Nos. PA0998421 and PA0903418 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the project.

Wastewater from the Cold Spring and Fieldstone service areas is discharged to three separate systems: the Fieldstone, Cold Spring, and Chalfont-New Britain sewage treatment facilities, which received approval most recently under Section 3.8 of the Compact by DRBC Dockets Nos. D-1995-043 CP on October 25, 1995, D-1993-082 CP on August 10, 1994, and D-1999-063 CP-2 on July 11, 2012, respectively. The PADEP issued its most recent WQM Permits Nos. PA0995418, PA0996405, and PA0999405 for the Buckingham Township owned treatment facilities, respectively. The Chalfont-New Britain NPDES permit number is PA 0025917. All three treatment facilities have adequate capacity to receive waste water from the proposed projects.

Wastewater from the Forest Grove service area will be discharged to the proposed Forest Grove sewage treatment facility to be constructed within the residential development with a design capacity of 23,000 gallons per day. The capacity of this proposed treatment plant is below the Commission's review threshold. However, the docket holder estimates an average water demand of 22,000 gallons per day. The PADEP issued its most recent WQM Permit No. PA0906404 in August 2012. Using an estimation of consumptive use equal to 10%, the proposed treatment plant will have the capacity to treat the wastewater generated.

d. **Cost.** The overall cost of this project is estimated to be \$901,150.

e. **Relationship to the Comprehensive Plan.** The docket holder's wells were previously included in the Comprehensive Plan by Docket Nos. D-1991-087 CP, D-1992-002 CP, D-1997-049 CP, D-2000-038 CP, D-2003-013 CP-1, D-2003-013 CP-2, D-2003-013 CP-3, D-2003-013 CP-4 and D-2003-013 CP-5.

## **B. FINDINGS**

The project is located within the Southeastern Pennsylvania Ground Water Protected Area delineated by the DRBC pursuant to *Compact* Section 10.2. Tests conducted by the docket holder indicate the operation of this project will not create a local water shortage. The project is designed to conform to the requirements of the *Water Code*, *Water Quality Regulations* and *Ground Water Protected Area Regulations (GWPAR)* of the DRBC.

Review and analysis of the application pursuant to Section 6.D. of the *GWPAR* result in the following:

1. The withdrawal is consistent with the Commission's Comprehensive Plan and the policies and purposes of these regulations.
2. Opportunities to satisfy water requirements on a timely basis from existing available supplies and facilities have been explored and found infeasible.
3. The withdrawal, in conjunction with other withdrawals in the applicable ground water basin, should not exceed withdrawal limits of the ground water basin, aquifer or aquifer system.
4. The withdrawal should not significantly impair or reduce the flow of perennial streams in the area.
5. Existing ground and surface water withdrawals should not be adversely impacted, or will be otherwise assured of adequate supplies in accordance with the requirements of Section 10 of the *GWPAR*.
6. The withdrawal should not cause substantial, permanent adverse impact to the overlying environment.
7. The docket holder adopted and will implement conservation and management programs as required by Section 7 of the *GWPAR*.

### **Pond Interference**

Wells Nos. F-4 and F-5 were temporarily restricted to 2.678 mgm in the previous Docket No. D-2003-013 CP-5 until a mitigation plan was approved by the Executive Director and the property owner at 3929 Upper Mountain Road, Buckingham, PA. The mitigation plan was required in response to a pond interference complaint located at 3929 Upper Mountain Road. With the approval of the mitigation plan, the temporary allocation restrictions on Wells Nos. F-4 and F-5 were removed. The Township is required to continue operating the mitigation plan that was approved by DRBC after consultation with the owner of the pond in 2010. Under the approved mitigation plan, during the months of June through November, the Township pumps

water from a well located on a remote property into an unnamed creek that feeds the subject pond. Buckingham Township has been submitting pumping data to indicate they are pumping in accordance to the mitigation plan. (See Condition II.f. in the Decision Section)

### **Well No. CS-4 Pumping Test**

On April 11-14, 2011, the docket holder conducted a long-term, constant rate pumping test to assess withdrawal capabilities of the Well No. CS-4. The pumping test also was conducted to assess the underlying aquifer characteristics, and potential impacts to the local hydrologic system. The average pumping rate of the test on Well No. CS-4 was 200 gallons per minute (gpm) as measured with a flow meter. Discharge from the pumping well was directed 600 feet away from the pumping well via a 4-inch pipe to a swale just downstream of the adjacent flood control basin's outlet. Well No. CS-4 was pumped for a total period of 4,320 minutes (72 hours). A total of 866,236 gallons of groundwater were pumped during the constant rate pumping test.

Groundwater response monitoring was conducted in the pumping well (Well No. CS-4) and twenty-five (25) additional monitoring wells. Well No. CS-3 located approximately 1,500 feet southwest of Well No. CS-4, observed a drawdown of 9.0 feet. The Hearthstone Pond Well located approximately 1,300 feet east of Well No. CS-4, observed a drawdown of 3.99 feet. The domestic well located at 4747 Cold Spring Creamery Road approximately 1,800 feet southwest of Well No. CS-4, observed a drawdown of 2.39 feet. Twenty-two (22) additional monitoring wells were also monitored during the long-term pumping test, ranging between 1,300 and 5,280 feet from Well No. CS-4. The additional monitoring wells did not show impact from the pumping at well CS-4.

The starting water level in the pumping well was 18.97 feet below top of casing. At the end of pumping, the water level in the pumping well was 132.83 feet, for a drawdown of 113.86 feet.

At the end of the constant rate pumping test the monitoring wells indicated no adverse impact from the continuous pumping at Well No. CS-4.

The observed drawdown in Well No. CS-4 was used to calculate aquifer parameters to characterize the underlying aquifer. The estimated aquifer Transmissivity value for Well No. CS-4 was 4,400 gpd/foot (drawdown) and 4,800 gpd/foot (recovery) for the test rate of 200 gpm. Storativity values were calculated from monitoring wells Well No. CS-3, Pond well and 4747 Cold Spring Creamery, estimated Storativity values were  $1.20 \times 10^{-5}$ ,  $1.00 \times 10^{-5}$  and  $1.37 \times 10^{-4}$ , respectively. Specific Capacity was also calculated for Well No. CS-4 from the long-term pumping test data. The hydraulic conductivity value calculated was 1.77 gpm/foot.

The DRBC has reviewed the hydrogeologic report for Well No. CS-4 pumping test. No adverse impacts are expected to occur to the local hydrologic system due to pumping from Well No. CS-4.

**Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd**

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31 every year.

Buckingham Township's service area and its proposed and existing wells are located in three of the GWPA subbasins defined in the *GWPAR*. Well Nos. BV-1, BV-2, F-1 through F-5, F-8, F-9, FG-1, FG-2, L-1 and L-2 are located in the Mill Creek subbasin, where total net annual groundwater withdrawal (333.71 mgd) is below the withdrawal limit set in Section 6.I of the *GWPAR* (1,565 mgd). The proposed withdrawal from the existing wells, in conjunction with other withdrawals in the subbasin, is in accordance with the requirements of Section 6.I of the *GWPAR*.

Existing Well Nos. CS-1, CS-2, CS-3 and CS-5 and proposed Well No. CS-4 are located in the Pine Run subbasin, where total net annual ground water withdrawal (481.59 mgd) is below the withdrawal limit set in Section 6.I of the *GWPAR* (791 mgd). The proposed withdrawal from the existing wells and proposed well, in conjunction with other withdrawals in the subbasin, is in accordance with the requirements of Section 6.I of the *GWPAR*.

Existing Well Nos. F-6, F-7, FS-1 and FS-2 are located in the Warwick Neshaminy Creek subbasin, where total net annual groundwater withdrawal (214.07 mgd) is below the withdrawal limit set in Section 6.I of the *GWPAR* (1,181 mgd). The proposed withdrawal from these existing wells, in conjunction with other withdrawals in the subbasin, is in accordance with the requirements of Section 6.I of the *GWPAR*.

The project does not conflict with the Comprehensive Plan, and is designed to prevent substantial adverse impact to the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D. of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

**C. DECISION**

- I. Effective on the approval date for Docket No. D-2003-013 CP-6 below:

a. The project described in Docket No. D-2003-013 CP-5 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2003-013 CP-6; and

b. Docket No. D-2003-013 CP-5 is terminated and replaced by Docket No. D-2003-013 CP-6; and

c. The project and the appurtenant facilities described in the Section A “Physical Features” of this docket shall be added to the Comprehensive Plan.

II. The project as described in the Section A “Physical features” is approved pursuant to Section 3.8 of the *Compact* and is granted this withdrawal permit pursuant to Section 10.3 of the *Compact* and *GWPAP*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. Within 60 days (March 6, 2013), the docket holder shall provide written confirmation to the Commission that it has registered and reported with PADEP all surface and groundwater sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month period, the withdrawals from the following wells shall not exceed:

WELL NO.	INSTANTANEOUS ALLOCATION (GPM)	MONTHLY ALLOCATION (MILLION GALLONS)
BV-1	52	1.653
BV-2	52	1.653
CS-1	120	5.353
CS-2	400	17.773
CS-3	210	6.200
CS-4 (new)	200	8.928
CS-5	75	3.348
FS-1	85	0.930
FS-2	85	0.930



L-1	75	3.307
L-2	55	2.455
FG-1	70	1.033
FG-2	45	1.033
F-1	175	4.857
F-2	83	1.199
F-3	75	1.643
F-4	104	3.565
F-5	50	1.788
F-6	30	0.670
F-7	50	2.232
F-8	200	5.487
F-9	100	2.544

In addition, the total withdrawal from all wells shall not exceed 43.40 mgm or 520.80 mgy. Well Nos. CS-1 through CS-5 shall not exceed 19.22 mgm. Well Nos. L-1 and L-2 shall not exceed 3.307 mgm. Well Nos. FG-1 and FG-2 shall not exceed 1.033 mgm.

e. The new well shall be equipped with readily accessible capped ports and drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and drop pipes as repairs or modifications are made at each existing well.

f. The docket holder shall continue to follow the mitigation plan required from the Settlement Agreement dated June 22, 2009. The mitigation plan is explained in correspondence from the Commission dated September 12, 2010. The mitigation plan requires the docket holder to pump groundwater from a well located on a remote property at a rate of not less than 5.0 gallons per minute, into an unnamed creek that feeds the subject pond during the months of June through November.

g. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported annually by March 31, to the Bureau of Watershed Management, PADEP. Withdrawal records shall be available at any time to the Commission if requested by the Executive Director.

h. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

i. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

j. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

k. The docket holder shall implement to the satisfaction of the Bureau of Watershed Management, PADEP, a drought or other water supply emergency plan.

l. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the Bureau of Watershed Management and the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

m. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. Water audits shall be submitted annually to the Commission by March 31 every year.

n. A long-term monitoring program is required to obtain data on ground water and surface water hydrologic conditions in the project area. The docket holder shall continue to implement the long-term monitoring program as submitted by the docket holder entitled “Township of Buckingham/ Water Supply – Well Monitoring Program” dated March 21, 2005, and revised August 17, 2005. In addition, the docket holder shall continue to monitor wells that have been impacted from the continued use of the docket holder’s production wells. The docket holder will also monitor the Hearthstone pond well and the domestic well located at 4747 Cold Spring Creamery Road, as recommended in the Hydrogeologic Report of Well No. CS-4. This program will include the following:

1. **Ground Water Level Monitoring** – Thirty-seven (37) monitoring wells shall be measured to estimate annual ground water fluctuations caused by seasonal changes and/or production well pumping, and detect water level declines that may affect the performance of public and private wells in the respective areas surrounding the Buckingham Township production wells.

2. **Reports** - All monitoring data, including records required in Conditions "f." and "m." herein shall be submitted to the Commission annually beginning one month after the first year of operation. The docket holder is encouraged to submit the annual report electronically. The report shall be prepared by a hydrogeologist and shall assess the effects of well withdrawals on hydrologic conditions in the area. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the hydrogeologist or required by the Executive Director.

o. The Executive Director may modify the monitoring program or temporarily suspend or modify this docket at any time if review of the hydrologic data and/or any other information indicates such action is necessary or appropriate.

p. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams.

q. This docket approval shall expire three years from the date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

r. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

s. The docket holder shall implement to the satisfaction of the Bureau of Watershed Management and PADEP, a continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the Bureau of Watershed Management, PADEP, on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

t. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

u. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement ("Statement") signed by the docket holder's professional engineer for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project's final construction cost as such cost is defined by the project review fee schedule in effect at the time application was made; and (c) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project

cost exceeds the estimated cost used by the applicant to calculate the DRBC project review fee, the statement must also include (d) the amount of any outstanding balance owed for DRBC review. Such outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project's final cost, using the formula and definition of "project cost" set forth in the DRBC's project review fee schedule in effect at the time application was made.

v. The area served by this project is limited to the service area as described above. Any expansion beyond this area is subject to review in accordance with Section 3.8 of the *Compact* and the *GWPAR*.

w. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

x. The docket holder shall notify the Commission in writing of any changes in ownership status of the contractually operated wells in the Lahaska, Forest Grove or Furlong operating systems.

y. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the right to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

z. If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing wells or surface water supplies, or if the docket holder receives a complaint by any user of wells or surface water supplies within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by users of wells or surface water supplies within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. Any well or surface water supply which is substantially adversely affected, or rendered dry or otherwise unusable as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder in accordance with Section 10B of the *GWPAR*. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final

determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required. The Executive Director may modify or suspend this docket approval, or require mitigating measures, pending additional review.

aa. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

bb. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator, to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

cc. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

**BY THE COMMISSION**

**APPROVAL DATE: March 6, 2013**

**EXPIRATION DATE: March 6, 2023**